

HOUSE BILL 1552

By Warner

AN ACT to amend Chapter 159 of the Private Acts of 2002; and any other acts amendatory thereto, relative to the charter for the Town of Chapel Hill.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 159 of the Private Acts of 2002, and any other acts amendatory thereto, is amended by deleting SECTION 6 and substituting the following:

SECTION 6. Board of Mayor and Aldermen; Number of Aldermen; Qualifications for Office; Compensation and Oath. The corporate and legislative authority of the Town shall be vested in the Board. The Board shall be composed of a Mayor and six (6) Aldermen, who shall reside in the Town at least one (1) year next preceding their election or appointment, be not less than twenty-one (21) years of age when taking office and should the residence of any one (1) of them in the Town cease after his election or appointment, his office shall become vacant; the Mayor and Aldermen shall determine the compensation of the Mayor and Aldermen by ordinance; however, no changes in such compensation shall become effective until the month following a regular election . The compensation of the Mayor may not be diminished by the Board during his or her term of office. Before taking office, the Mayor and Aldermen shall take an oath before a person qualified to administer oaths that they will faithfully and impartially discharge the duties pertaining to their office, which oath shall be in writing and entered upon the minutes of the Board.

SECTION 2. Chapter 159 of the Private Acts of 2002, and any other acts amendatory thereto, is amended by deleting the first two paragraphs of SECTION 12 and substituting the following:

The Board shall determine its rules of procedure. A majority of the Board shall constitute a quorum for the transaction of business. A majority vote of the quorum, unless a

greater number is required by this Charter or state law, shall be the action of the Board. In case of death, resignation or removal of Mayor, Vice Mayor or an Alderman, or any vacancy thereof, the Board, by majority vote of the remaining members shall fill such vacancy for the unexpired term, provided that if a vacancy in the above offices occurs more than thirty (30) days before the latest time for filing nominating petitions for candidates in the next regular Town election, then such vacancy shall be filled by the voters at that election. All such votes by the Board to fill a vacancy shall be made by roll call vote, and in the event of a tie vote, the Mayor shall break the tie or the presiding officer (if not the Mayor) shall vote a second time to break the tie.

SECTION 3. Chapter 159 of the Private Acts of 2002, and any other acts amendatory thereto, is amended by deleting SECTION 14 and substituting the following:

SECTION 14. Mayor: Powers and Duties. The Mayor shall preside at all meetings of the Board. In the absence of the Mayor, the Board may be called to order and presided over by the Vice Mayor; or in absence of both, by a Mayor Pro Tempore, an Alderman elected by a majority of the quorum present; the Mayor is vested with all the powers and duties of an Alderman, but shall vote only in the event of a tie vote. The Mayor shall not have any regular administrative duties and as Chief Executive Officer of the Town, shall perform such duties and exercise such powers as may be conferred or imposed by the laws of the State and by ordinance not in conflict with this charter. In the event of the temporary disability, sickness or absence of the Administrator, Treasurer or Recorder, the Mayor, without additional compensation, may be designated by the Board to perform the duties of the Administrator, Treasurer or Recorder and cause to be placed in the Town's Minute Book the dates the Mayor assumes the office and relinquishes such office.

SECTION 4. Chapter 159 of the Private Acts of 2002, and any other acts amendatory thereto, is amended in SECTION 15 by deleting the first paragraph of subsection (a) that reads:

No bill shall become an ordinance without having passed on two (2) separate days by majority vote of the quorum of the Board, both of which shall not be at the same meeting; except no appropriation of money, or order involving it, or levy of taxes, shall be made unless the ordinance authorizing the same be passed on three (3) separate days by a majority of the entire Board. Separate days means separate meetings, not recessed meetings. A public hearing on an ordinance shall be advertised and held prior to final passage.

and substituting the following:

No bill shall become an ordinance without having passed on two (2) separate days at two (2) separate meetings, by majority vote of the Board.

SECTION 5. Chapter 159 of the Private Acts of 2002, and any other acts amendatory thereto, is amended by deleting SECTION 16 and substituting the following:

SECTION 16. Powers Exercise by Ordinance and Resolutions. The Town, by appropriate action through the Board, may:

- (1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for municipal purposes;
- (2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;
- (3) Make special assessments for local improvements;
- (4) Contract and be contracted with;
- (5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner provided for in this section;
- (6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the municipality, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely

upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be affected in accordance with the terms and provisions of title 29, chapter 16, or in any other manner provided by law;

(10) Take and hold property within or without the municipality or state upon trust, and administer trusts for the public benefit;

(11) Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility that is of service to the municipality, its inhabitants, or any part of the municipality, and further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled in title 9, chapter 21;

(12) Grant to any person, firm, association or municipality franchises for public utilities and public services to be furnished by the municipality and those in the municipality. The power to grant franchises embraces the power to grant exclusive franchises. When an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer, except as provided in § 65-4-

107(b). The board may prescribe, in each grant of a franchise, the rates, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that may be opened after the grant of the franchise;

(13) Make contracts with any person, firm, association or corporation for public utilities and public services to be furnished by the municipality and those in the municipality. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys and other thoroughfares that may be opened after the grant of the contract;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing in this subdivision (14) shall be construed to permit the alteration or impairment of any of the terms or provisions

of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefore under §§ 7-31-107 - 7-31-111 and 29-16-203, or any other manner provided by general laws;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, title 7, chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removing, abolishing and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefore, and provide standards of weights, tests and measures in such manner as may be provided pursuant to title 47, chapter 26, part 9;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures in accordance with general law, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a correctional facility for the confinement and detention of persons who violate laws within the corporate limits of the city, or to contract with the county to keep these persons in the correctional facility of the county and to enforce the payment of fines and costs in accordance with §§ 40-24-104 and 40-24-105 or through temporary proceedings in accordance with general law;

(28)

(A) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction; and

(B) Provide by ordinance for court costs as provided in the Municipal Court Reform Act, compiled in title 16, chapter 18, part 3;

(29) Establish schools, to the extent authorized pursuant to general law, determine the necessary boards, officers and teachers required therefore, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the municipality;

(30) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(31) Call upon the Commissioner of Elections of Marshall County to call, provide for and hold elections as provided in this charter and state law;



(32) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated; and

(33) Create a design review commission, which shall have the authority to develop general guidelines and to develop procedures for the approval of the guidelines for the exterior appearance of all nonresidential property, multiple family residential property, and any entrance to nonresidential developments within the municipality; provided, that the authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission pursuant to title 13, chapter 4. Any property owner affected by the guidelines may appeal a decision by the design review commission to the municipality's planning commission or, if there is no planning commission, to the entire municipal legislative body.

SECTION 6. Chapter 159 of the Private Acts of 2002, and any other acts amendatory thereto, is amended by deleting SECTION 17 and substituting the following:

SECTION 17. (REPEALED BY 2023 CHARTER AMENDMENT)

SECTION 7. Chapter 159 of the Private Acts of 2002, and any other acts amendatory thereto, is amended in SECTION 26 by deleting Subsection (1) that reads:

(1) There is hereby created the office of Town Judge to be appointed and discharged by a majority of the Board, which shall fix the salary and term of office. The person appointed to the office of Town Judge shall be an attorney-at-law, licensed to practice law within this State, not less than thirty (30) years of age at the time of taking office, and not an employee or elected official of the Town.

and substituting the following:

(1) There is hereby created the office of Town Judge to be appointed and discharged by a majority of the Board, which shall fix the salary and term of office. The

person appointed to the office of Town Judge shall be an attorney-at-law, licensed to practice law within this State, and not an employee or elected official of the Town.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Chapel Hill. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 8.